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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable Jeanne Stanfield
Executive Director
Alabama Hearing Instrument
Dealers Board
400 South Union Street
Suite 445
Montgomery, Alabama 36130-3010

Hearing Instrument Dealers Board –
Licenses and Permits – Office Space

A hearing instrument dealer cannot
perform services in a temporary
location such as a mobile unit or hotel
room.

Dear Ms. Stanfield:

This opinion of the Attorney General is issued in response to your
request.

QUESTION

Can a hearing instrument dealer licensed by
the Alabama Hearing Instrument Dealers Board
provide services from places such as a hotel room
or mobile unit?

FACTS AND ANALYSIS

The Alabama Hearing Instrument Dealers Board ("Board") was
created in 1971 by the Legislature. The Board's authority is codified in
sections 34-14-1 through 34-14-33 of the Code of Alabama. ALA. CODE
§ 34-14-1 to 34-14-33 (2002, Supp. 2008). Section 34-14-8 provides as
follows:

(a) A person who holds a license shall notify the board in writing of the regular address of the place or places where he or she engages or intends to engage in the fitting or the sale of hearing instruments.

(b) The board shall keep a record of the place of business of licensees.

ALA. CODE § 34-14-8 (2002). Among the duties given to this Board, it includes the following: "Promulgate rules and regulations necessary to carry out the provisions of this chapter and to establish consumer protection provisions, provisions for prohibited practices, and requirements for businesses[.]" ALA. CODE § 34-14-11(a)(4) (2002). Based on these Code sections, it is clear that the Alabama Hearing Instrument Dealers Board has the authority to determine where a hearing instrument dealer can perform his or her services, i.e., their place of business, to ensure that consumers are protected.

The Board's Administrative Code includes the following definition for the term "place of business:" "[T]he permanent street address of the office in which a licensed dealer, dispenser, fitter, or apprentice exercises the practices of dispensing and fitting of hearing instruments and which is the dispenser or dealer's base of business." ALA. ADMIN. CODE r. 445-x-1-.02(g) (1994).

There are no provisions under the current Administrative Code to allow the dispensing or fitting of hearing instruments at temporary locations such as hotel rooms or mobile units. Thus, a hearing instrument dealer is required to dispense and fit hearing instruments from a permanent street address.

CONCLUSION

Under section 34-14-1, *et seq.*, of the Code of Alabama and the Administrative Code for the Alabama Board of Hearing Instrument Dealers, a hearing instrument dealer cannot perform services in a temporary location such as a mobile unit or hotel room.

Honorable Jeanne Stanfield
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I hope this opinion answers your question. If this Office can be of further assistance, please contact Ellen Leonard of my staff.

Sincerely,

TROY KING
Attorney General
By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH
Chief, Opinions Division

TK/EL

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